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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/483,388	01/13/2000	Chun R. Xia	BRIGP002	8312

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EXAMINER
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THOMPSON JR, FOREST

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 06/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/483,388

Applicant(s)

XIA ET AL.

Examiner

Forest Thompson Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action (See Paper #5). The text of those sections of Title 35, U.S. Code not otherwise provided in a prior Office action will be included in this action where appropriate.
2. This action is responsive to the Request For Continued Examination filed 03/25/2003 (see Paper #11) and pre-amendment C filed on 03/25/2003 (see Paper #12). Applicant amended claims 1, 5, 6, 9, 15, and 16. Claims 1-12 and 14-17 are pending.
3. Claims 1-12 and 14-17 have been examined.

### ***Claim Rejections - 35 USC § 103***

4. Claims 1-12 and 14-17 were rejected in Paper #5 under 35 U.S.C. 103(a) as being unpatentable over Dedrick (U.S. Patent No. 5,724,521), and further in view of Angles et al. (U.S. Patent No. 6,385,592). Examiner maintains the rejection as modified below.
5. Claims 1-12 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick (U.S. Patent No. 5,724,521), and further in view of Angles et al. (U.S. Patent No. 6,385,592).

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Claim 1: Dedrick discloses:

- a memory (Abstract);
- renting out a marketing object container to a first party, wherein the marketing object container is presented in a web page associated with a second party (col. 4 line 3 – col. 5 line 4), in the context of presenting advertisers' advertisements to users over the system for a fee;
- selecting, by the first party, a marketing attribute (Abstract; col. 4 line 16 - col. 5 line 53; col. 16 lines 51-58); and
- sending the selected marketing attribute to be automatically associated with the marketing object container (Abstract; col. 4 line 16 - col. 5 line 53; col. 16 lines 51-58), in the context of associating the chosen attributes with the identified advertisements and allowing particular end users to view the marketing object.

Dedrick does not specifically disclose sending the selected attribute to be automatically associated with the marketing object container; however, the functionality of Dedrick provides automatic association, as disclosed. Also, Dedrick does disclose:

- *A method and apparatus for providing electronic advertisements to end users in a consumer best-fit pricing manner includes an index database, a user profile database, and a consumer scale matching process. The index database provides storage space for the titles of electronic advertisements . The user profile database provides storage for a set of characteristics which correspond to individual end users of the apparatus. The consumer scale matching process is coupled to the content database and the user profile database and compares the characteristics of the individual end users with a*

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*consumer scale associated with the electronic advertisement . The apparatus then charges a fee to the advertiser, based on the comparison by the matching process. In one embodiment, a consumer scale is generated for each of multiple electronic advertisements . These advertisements are then transferred to multiple yellow page servers, and the titles associated with the advertisements are subsequently transferred to multiple metering servers. At the metering servers, a determination is made as to where the characteristics of the end users served by each of the metering servers fall on the consumer scale. (Abstract)*

*- The publisher/advertiser 18 is provided with software tools to create electronic information which includes content and advertisements that can be transmitted over the system. ... The software tools may include a hypertext oriented mark up language that routes distributed end users to the content databases (col. 4 lines 3-15.*

*- The publisher/advertiser 18 is also provided with software tools to create electronic information in a wide variety of consumption formats that can be transmitted over the system. These consumption formats include formats such as audio, video, graphics, animation, text, etc. For example, an advertiser 18 may create an advertisement for a camera which describes the camera in both audio and video format (col. 4 lines 37-48).*

Dedrick discloses, in this disclosure, functionality that encompasses automatically associating characteristics (or attributes) with a marketing container. Additionally, Angles et al. discloses:

*HyperText Markup Language (HTML). A standard coding convention and set of codes for attaching presentation and linking attributes to informational content within documents. (HTML 2.0 is currently the primary standard used for generating Web documents.) During a document authoring stage, the HTML codes (referred to as "tags") are embedded within the informational content of the document. When the Web document (or "HTML document") is subsequently transferred from a Web server to a Web browser, the codes are interpreted by the Web browser and used to parse and display the document. In addition to specifying how the Web browser is to display the document, HTML tags can be used to create links to other websites and other Web documents (commonly referred to as "hyper-links") (col. 6 lines 37-54).*

Angles et al. discloses that the use of HTML provides the functionality and utility for automatically performing desired functions, such as claimed by applicant. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Dedrick to disclose sending the selected attribute to be automatically associated with the marketing object container, as disclosed by Angles et al., because this capability is encompassed by the disclosures of both Dedrick and Angles et al., and simplifies the presentation, to the user, of desired information from advertisers and others.

Claim 2: Dedrick discloses selecting a marketing object for association with the marketing object container (col. 4 lines 37-48), in the context of *The publisher/advertiser 18 is also provided with software tools to create electronic information in a wide variety*

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*of consumption formats that can be transmitted over the system. These consumption formats include formats such as audio, video, graphics, animation, text, etc. For example, an advertiser 18 may create an advertisement for a camera which describes the camera in both audio and video format.*

Claim 3: Dedrick discloses sending a selected marketing object for association with the marketing object container (col. 4 lines 37-48), in the context of transferring consumption formatted electronic information to metering servers and subsequently to client systems.

Claims 4, 5, 9: Dedrick discloses:

- renting out a second marketing object container to the first party, wherein the second marketing object container is presented in a second web page associated with a third party, wherein the selected marketing object is automatically associated with the second marketing object container (Abstract; col. 4 line 13 - col. 5 line 53; col. 16 lines 51-58), in the context of These advertisements are then transferred to multiple yellow page servers, and the titles associated with the advertisements are subsequently transferred to multiple metering servers, of associating the chosen attributes with the identified advertisements and allowing particular end users to view the marketing object, and presenting advertisers' advertisements to users over the system for a fee.
- renting out a marketing object container to a first party, wherein the marketing object container is presented in a web page associated with a second party (col. 4 line 3 – col. 5 line 4).

- selecting a marketing object for association with the marketing object container (col. 4 lines 37-48), in the context of The publisher/advertiser 18 is also provided with software tools to create electronic information in a wide variety of consumption formats that can be transmitted over the system. These consumption formats include formats such as audio, video, graphics, animation, text, etc. For example, an advertiser 18 may create an advertisement for a camera which describes the camera in both audio and video format.
- a method and apparatus for providing electronic advertisements to end users (Abstract).
- A method and apparatus for providing electronic advertisements to end users in a consumer best-fit pricing manner includes an index database, a user profile database, and a consumer scale matching process. The index database provides storage space for the titles of electronic advertisements . The user profile database provides storage for a set of characteristics which correspond to individual end users of the apparatus. The consumer scale matching process is coupled to the content database and the user profile database and compares the characteristics of the individual end users with a consumer scale associated with the electronic advertisement . The apparatus then charges a fee to the advertiser, based on the comparison by the matching process. In one embodiment, a consumer scale is generated for each of multiple electronic advertisements . These advertisements are then transferred to multiple yellow page servers, and the titles associated with the advertisements are subsequently transferred to multiple metering servers. At the metering servers, a determination is made as to



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where the characteristics of the end users served by each of the metering servers fall on the consumer scale. (Abstract)

- The publisher/advertiser 18 is provided with software tools to create electronic information which includes content and advertisements that can be transmitted over the system (col. 4 lines 37-40).

- The publisher/advertiser 18 is provided with software tools to create electronic information which includes content and advertisements that can be transmitted over the system. ... The software tools may include a hypertext oriented mark up language that routes distributed end users to the content databases (col. 4 lines 3-15).

- The publisher/advertiser 18 is also provided with software tools to create electronic information in a wide variety of consumption formats that can be transmitted over the system. These consumption formats include formats such as audio, video, graphics, animation, text, etc. For example, an advertiser 18 may create an advertisement for a camera which describes the camera in both audio and video format (col. 4 lines 37-48).

Dedrick discloses, in this disclosure, functionality that encompasses automatically associating characteristics (or attributes) with marketing containers. Dedrick also provides the functionality for creating multiple advertisements, and does not limit the number of advertisements that advertisers may create and provide for presentment to users. Therefore, it would have been obvious to one skilled in the art at the time the invention was made that Dedrick discloses the functionality for renting out a second marketing object container to the first party, wherein the second marketing

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object container is presented in a second web page associated by a third party, wherein the selected marketing object is associated with the second marketing object container, and wherein the selected attribute is associated with the second marketing object container.

Additionally, Angles et al. discloses:

HyperText Markup Language (HTML). A standard coding convention and set of codes for attaching presentation and linking attributes to informational content within documents. (HTML 2.0 is currently the primary standard used for generating Web documents.) During a document authoring stage, the HTML codes (referred to as "tags") are embedded within the informational content of the document. When the Web document (or "HTML document") is subsequently transferred from a Web server to a Web browser, the codes are interpreted by the Web browser and used to parse and display the document. In addition to specifying how the Web browser is to display the document, HTML tags can be used to create links to other websites and other Web documents (commonly referred to as "hyper-links") (col. 6 lines 37-54).

The disclosure of Angles et al. discloses that the use of HTML provides the functionality and utility for automatically performing desired functions, such as claimed by applicant. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Dedrick to disclose the selected marketing object is automatically associated with the second marketing object container, and the selected marketing attribute is automatically associated with the second marketing object container, as disclosed by Angles et al., because this capability is encompassed by the

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disclosures of both Dedrick and Angles et al., and simplifies the presentation, to the user, of desired information from advertisers and others.

Claim 6: Claim 6 is a method and is essentially the same limitations as claim 1; therefore, the same rejection is applied. The prior art is not limited to the use or designation of only one website or party. Similar functionality is in claim 6 as in claim 1.

Claim 7: Dedrick discloses selecting at least one marketing object for insertion in the marketing object container, wherein the first party selects the at least one marketing object (col. 4 lines 37-48), in the context of *The publisher/advertiser 18 is also provided with software tools to create electronic information in a wide variety of consumption formats that can be transmitted over the system. These consumption formats include formats such as audio, video, graphics, animation, text, etc. For example, an advertiser 18 may create an advertisement for a camera which describes the camera in both audio and video format.*

Claim 8: Claim 8 is a method and is essentially the same limitations as claim 4; therefore, the same rejection is applied.

Claim 10: Dedrick discloses selecting at least one marketing object for insertion in the marketing object container also associating the at least one marketing object for insertion in the second marketing object container (col. 2 lines 10-19).

Claim 11: Dedrick discloses the second party provides a service to a plurality of parties and at least some of the parties are unrelated, and the unrelated parties are only allowed access to their own marketing presentation (col. 7 lines 16-49).

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Claims 12, 13: Dedrick discloses the second party receives a commission based on revenue generated by the first party's marketing presentation (col. 11 lines 17-27), which is encompassed in the disclosure of *It should be noted that the metering server 14 charges the publishers/advertisers 18 a fee for access to the metering server 14. This fee is in addition to the amount an advertiser 18 pays each time the advertisement is consumed by an individual end user.*

Claim 14: Dedrick discloses the second party receives fees from the first party for hosting their marketing presentation (col. 11 lines 17-27).

Claim 15: Claim 15 is a system and contains essentially the same limitations as claim 1; therefore the same rejection is applied.

Claim 16: Claim 16 is a computer program product and contains essentially the same limitations as claim 1; therefore, the same rejection is applied.

6. Claim 17 is rejected in Paper #5 under 35 U.S.C. 103(a) as being unpatentable over Dedrick (U.S. Patent No. 5,724,521), and further in view of Angles et al. (U.S. Patent No. 6,385,592) Official Notice.

Claim 17: Dedrick does not specifically disclose the computer readable medium is selected from the group consisting of CD-ROM, floppy disk, tape, flash memory, system memory, hard drive, and data signal embodied in a carrier wave. Dedrick does disclose the server maintaining resident databases (col. 3 lines 1-5). Additionally, Official Notice is taken that it was old and well known at the time the invention was made that

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computer readable storage media encompassed the group consisting of CD-ROM, floppy disk, tape, flash memory, system memory, hard drive, and data signal embodied in a carrier wave. For example, Angles et al. discloses *The advertising storage medium 44, however, can consist of a wide range of data storage devices including, but not limited to, digital video devices, floppy disks, hard drives, system memory, tape drives, Personal Computer Memory Card Interface Adapter cards (PCMCIA cards), and the like* (col. 12 lines 1-6). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Dedrick to disclose the computer readable medium is selected from the group consisting of CD-ROM, floppy disk, tape, flash memory, system memory, hard drive, and data signal embodied in a carrier wave, as disclosed by Angles et al. and old and well known art, because this provides old and well known storage alternatives to users of the system.

### ***Response to Arguments***

7. Applicant's arguments filed 03/25/2003 (see Paper #12) have been fully considered but they are not persuasive. Applicant argues the amended claims as filed with applicant's arguments. These claims have been rejected (see sections 5-6 above).

**Applicant argues**, at pg. 5-8, that neither Dedrick nor Angles et al. discloses the elements of "sending the selected marketing attribute to be automatically associated" nor "a marketing attribute."

**Examiner disagrees.** As illustrated in the rejection of claim 1 above, Dedrick discloses *A method and apparatus for providing electronic advertisements to end users*

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*in a consumer best-fit pricing manner includes an index database, a user profile database, and a consumer scale matching process. The index database provides storage space for the titles of electronic advertisements . The user profile database provides storage for a set of characteristics which correspond to individual end users of the apparatus. The consumer scale matching process is coupled to the content database and the user profile database and compares the characteristics of the individual end users with a consumer scale associated with the electronic advertisement. The apparatus then charges a fee to the advertiser, based on the comparison by the matching process. In one embodiment, a consumer scale is generated for each of multiple electronic advertisements . These advertisements are then transferred to multiple yellow page servers, and the titles associated with the advertisements are subsequently transferred to multiple metering servers. At the metering servers, a determination is made as to where the characteristics of the end users served by each of the metering servers fall on the consumer scale. (Abstract)*

This disclosure identifies actions by the invention that encompass performing certain functions automatically. This disclosure encompasses applicant's claim language of "sending the selected marketing attribute to be automatically associated" and "a marketing attribute." Additionally, Angles et al. discloses *HyperText Markup Language (HTML)*. A standard coding convention and set of codes for attaching presentation and linking attributes to informational content within documents (col. 6 lines 37-40).

Therefore, examiner maintains the rejection.

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**Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prior art includes:


- Sterling (U.S. Patent No. 6,466,975) that discloses a method and system for creating and managing Virtual Population mutual relationships is disclosed. The method uses a Rich Semantic Model component, expert system components, and various interface components and other components to dynamically alter the visitation experience as received by the Visitor at a computer and to allow the Visitor control over their Virtual Representative that controls this personal experience.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Forest Thompson Jr. whose telephone number is (703) 306-5449. The examiner can normally be reached on 6:30-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703) 308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
F. Thompson  
June 9, 2003

  
Jeffrey A. Smith  
Primary Examiner